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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,004	12/15/2003	Yi Feng Zheng	7459	2953
34500	7590	05/13/2009	EXAMINER	
DADE BEHRING INC. LAW AND PATENTS 1717 DEERFIELD ROAD DEERFIELD, IL 60015			HAQ, SHAFIQUL	
ART UNIT	PAPER NUMBER			
	1641			
MAIL DATE	DELIVERY MODE			
05/13/2009	PAPER			

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte YI FENG ZHENG,  
HSHIOU-TING LIU,  
AND YAIL YANG

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Application No. 10/736,004  
Technology Center 1641

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Mailed: May 13, 2009

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Before DELORES LOWE, *Review Team Paralegal*  
LOWE, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on April 23, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On December 27, 2007, an Examiner's Answer was entered into the record. The examiner maintains claims 13, 15-19, 21, and 24, under grounds of rejection. However, on June 15, 2007, the appellants filed an amendment after final canceling claims 1-24, 26, 28, 29 and 32, which was considered and entered by the Examiner on July 17, 2007. The examiner's answer is deficient because the examiner did not remove the cancelled claims from the grounds of rejection. Appropriate correction required.

Lastly, An Information Disclosure Statement (IDS) was filed on February 19, 2008. A review of the Image File Wrapper reveals that the examiner has not considered the IDS. According to MPEP § 609 which states:

“. . . The Examiner must also fill in his or her name and the date the information was considered in blocks at the bottom of the PTO-1449 or PTO/SB/08A and 08B form.”

Accordingly, it is

**ORDERED** that the application is returned to the Examiner:

- 1) vacate the Examiner's Answer mailed December 27, 2007, and issue a revised Examiner's Answer for the reason set forth above;
- 2) for consideration of the IDS; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

/DAL/

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1717 DEERFIELD ROAD  
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